

Synopsis of requirements for Conditionally Exempt Small Quantity Generators

Conditionally Exempt Small Quantity Generators (CESQGs) are defined as those generators who generate less than 100 kg/month of all hazardous wastes, or less than 1 kg/month of acutely hazardous waste (or less than 100 kg of spill residue from an acutely hazardous waste), and who never accumulates more than 1000 kg of hazardous waste at any time. Management of CESQG waste is regulated under [40 CFR Part 261.5](#), as adopted by reference into the Virginia Hazardous Waste Management Regulations (VHWMR). The Virginia regulations also include additional requirements beyond federal requirements related to CESQGs waste disposal.

CESQGs often mistakenly assume that because they are conditionally exempt their hazardous wastes are not subject to regulation. This is not entirely correct. The hazardous wastes generated by a CESQG are still considered hazardous wastes. They are not excluded from regulation, but are subject to the reduced (exempted) management requirements applicable to CESQGs. The following summary should assist CESQGs in maintaining compliance with the VHWMR and maintaining their status as CESQGs.

1. **IDENTIFY** hazardous waste generated by your business. Any solid waste (which may be a solid, sludge, liquid, or contained gas; and is any spent, used, discarded, abandoned, or no longer useable material) generated by your business must be evaluated to determine if it is a hazardous waste, either listed or by a hazardous waste characteristic. (See: [When Does the Accumulation Date Begin?](#)). [Special Note - 40 CFR Part 261.5(e) and (f) - In assessing acutely hazardous wastes, CESQGs must consider not only the "P-list" hazardous wastes, but also any listed hazardous waste identified with an acutely hazardous waste classification (identified with an "(H)" beside the chemical name). There are several F-list wastes in this category, most associated with products containing pentachlorophenol, a common wood preserver used in the past].
2. **ACCUMULATE** hazardous waste in containers or tanks. The accumulation tanks or containers are not specifically required to be marked with the words "Hazardous Waste" or dated like they must be for other Generator categories, but identifying the contents by marking the containers is strongly recommended as a good management practice. If the containers are not marked, the inspectors are more likely to ask you many questions about the contents, and identification may require costly analysis. You should NOT place incompatible wastes in the same container. However, similar materials can be collected in the same container if they will not cause a reaction, fire, evolution of a gas, etc. If wastes are mixed, all listed and characteristic hazardous waste codes must be included in the waste description. The container must be kept closed except when adding or removing wastes. The waste must be maintained in such a manner that it prevents a release of hazardous waste to the environment or endangers human health. A CESQG may not accumulate hazardous waste in units other than tanks or containers.

CESQGs MAY NEVER ACCUMULATE MORE THAN 1000 KG OF HAZARDOUS WASTE AT ANY TIME. (Approximately 5 DRUMS equivalent to the weight of water)

3. **SHIP OR DELIVER** your hazardous wastes to an approved facility.
CESQGs may either:
 - treat or dispose of hazardous waste in an on-site facility (see below), or
 - deliver their own waste in their own vehicles to an approved facility, or
 - have a Virginia permitted hazardous waste transporter deliver it to:
 - a permitted or interim status hazardous waste management facility; or
 - a permitted, registered, or licensed municipal or industrial solid waste facility that is authorized to accept hazardous waste (NOTE: see special Virginia requirements below); or

- a facility which beneficially uses or reuses, or legitimately recycles or reclaims the waste; or
- a facility which treats the waste prior to beneficial use or reuse, or legitimate recycling or reclamation.

CESQGs are not required to have an EPA ID number or use the Uniform Hazardous Waste Manifest when shipping waste offsite. There is no time limit on how long CESQGs may accumulate hazardous waste. However, they may never exceed the 1000 kg maximum quantity limit, and the waste must be maintained in such a manner that it does not endanger human health nor release hazardous constituents to the environment. It is recommended that CESQGs maintain records demonstrating that they have properly disposed of their wastes, which may include manifests, billing records, certificates of disposal, or other documentation from their hazardous waste disposal contractor.

4. A FEW NOTES OF CAUTION

The regulation language indicates that CESQGs may dispose of and treat hazardous waste on-site. However, certain regulatory requirements pertaining to these activities are not immediately obvious.

Hazardous wastes may only be disposed of on-site in certain types of approved units (i.e., Subtitle D regulated solid waste management units, with written permission and the proper permit). The waste may not be dumped on the ground, abandoned, burned, evaporated, or buried on-site. Approved disposal/treatment units would include an on-site Subtitle D permitted landfill only if the permit allows acceptance of CESQG hazardous waste, or a permitted wastewater pre-treatment system subject to Clean Water Act regulation (VPDES permit, or POTW permit) if the permit allows acceptance of CESQG hazardous waste.

Additionally, any hazardous waste treated on-site should only be treated in tanks or containers, using the appropriate treatment technology specified under 40 CFR Part 268, or in a Clean Water Act regulated wastewater pre-treatment unit. Treated waste should be chemically analyzed to ensure that it meets Land Disposal Restrictions treatment levels before subsequent management at an appropriate facility. Be aware that most listed hazardous wastes are not rendered non-listed by any treatment method, and may still have to be managed at an approved RCRA treatment, storage, or disposal facility.

CESQGs should be aware that the Virginia Solid Waste Management Regulations do not allow the disposal of regulated hazardous waste in a sanitary Landfill per 9VAC20-81-140(B)(4)(b).

Other types of chemical wastes that are not regulated as hazardous waste may also require written permission for disposal as a [special solid waste \(9 VAC 20-81-610\)](#).

Used oil and oil filters are excluded from regulation as hazardous waste only if managed in accordance with the used oil requirements (See: [Recyclable Materials - Used Oil](#)).

Failure to comply with the CESQG requirements may result in the CESQG becoming subject to the more stringent requirements for Generators of hazardous waste (40 CFR Part 262), and you may be required to conduct waste removal and decontamination activities for improper on-site waste disposal.

If you have any questions about waste identification, treatment/storage/disposal facilities, transporters, recycling, or specific regulatory requirements, please check with your DEQ Regional Office.

Please note that this is an instructional summary for compliance assistance purposes. Generators are encouraged to review the complete hazardous waste regulations and to check with appropriate DEQ staff if they have any questions about regulation applicability to their waste streams.

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